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May 29, 2008

USDS SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DOC #:
 DATE FILED: 6/2/08

VIA FACSIMILE

Honorable Harold Baer, Jr., U.S.D.J.
 Daniel Patrick Moynihan
 United States Courthouse
 500 Pearl Street, Room 2230
 New York, New York 10007

Re: **Burke, et al. v. Hestia Holdings**
Case No.: 07-CV-9909

Dear Judge Baer:

We represent Plaintiffs and Counterclaim Defendants in the above-referenced matter. Settlement discussions between the parties so far have not borne fruit. Accordingly, we ask that the Court no longer hold our Motion to Dismiss certain counterclaims in abeyance as the parties intend to proceed with this litigation. We will coordinate with our adversaries and advise the Court as soon as possible regarding the parties' availability to appear for argument on that motion.

Thank you in advance for your consideration.

Respectfully submitted,

Robert M. Traviano

RMT

cc: Rebecca A. Bergin, Esq. (via facsimile)
 Ariel R. Cannon, Esq. (via facsimile)

SO ORDERED:

Harold Baer, Jr., U.S.D.J.
 6/2/08

Endorsement:

We have your fully briefed motion and will now begin to work on it - I'm always happy when a case settles but if it doesn't we revert to the PTSO which you and I signed that reads discovery is over July 31, 2008 and is in full force and effect. Oral argument will be within the next two weeks and I will give you a decision if possible from the bench live best start discovery NOW.